

### REMARKS

Claims 9-14 are pending in the application. By this paper, claims 9, 11 and 13 have been amended. Reconsideration and allowance of claims 9-14 are respectfully requested.

#### Restriction Requirement

Claims 1-14 are subject to restriction requirement. The Examiner has identified the following inventions among the claims:

- I. Claims 1-3, drawn to optical switching, classified in class 398, subclass 45.
- II. Claims 4-8, drawn to circuit protection, classified in class 455, subclass 217.
- III. Claims 9-15 drawn to communication over free space, classified in class 370, subclass 277.

During a telephone conversation with the Examiner on March 25, 2008, applicants' attorney elected Group III, claims 9-15 for further prosecution in this application. Claims 1-8 are therefore withdrawn from the application. Applicants reserve the right to prosecute these claims in one or more divisional applications claiming the priority of the present application.

#### Claim objections

Claim 13 stands objected to based on the presence of the word "end" in the first line of the claim. By this paper, claim 13 has been amended to correct the noted deficiency. Withdrawal of the objection to claim 13 is respectfully requested.

#### Double patenting rejection

Claims 9-10 stand rejected under the doctrine of obviousness-type double patenting as being unpatentable over US patent number 6,788,942 in view of US patent number 6,415,150. Claim 11 stands rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims of US patent number 6,415,150.

Reconsideration of this rejection is respectfully requested. Should the examiner maintain the rejection, applicants stand ready to submit a Terminal Disclaimer to obviate the obviousness-type double patenting rejections.

Prior art rejection

Claims 9 - 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent number 6,181,710 to Cooper, et al. ("Cooper"). Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cooper. Reconsideration of these rejections based on the amendments and arguments below are respectfully requested.

Independent claims 9 and 11 have been amended to further distinguish the invention defined by these claims over Cooper. A unique advantage provided by the disclosed embodiments is the ability to solve the problem of growth in areas requiring telecommunications service. As is explained at paragraph [0011] of the application,

Growth in some areas can be so fast that telephone service providers have difficulty in keeping up with demand for service. First of all, depending on the distance to the nearest terminal or end office, the process of burying the cable, or laying the conduits may be time-consuming. Moreover, the process of acquiring the land, whether by purchase or by lease, prior to installing the cable may result in further and more unpredictable delays.

Radio communication is a solution, but can be expensive, as noted in paragraph [0008].

Instead, the present invention of amended claims 9 and 13 provides for radio as a temporary solution until fiber optic or copper cables or other more permanent equipment can be installed. As noted at paragraph [0033],

One advantage of the present invention is that new local distributions systems may be deployed in a relatively short amount of time. The telecommunications service provider can build a new local distribution system by building huts or cabinets and by erecting radio towers, and then connecting the users to the huts or cabinets. It would not be necessary to bury cable other than the cables connected the users in the service area.

Claim 11 has been amended to recite that the first radio interface unit includes one or more interface components which are removable and are configured to provide temporary telecommunications service to the central office over a temporary radio link until a permanent non-radio interface is deployed. Further, the one or more interface components may be removed

and replaced when the permanent non-radio interface is deployed. Claim 9 has been amended to recite that the radio interface unit and the digital interface unit are removable and are configured to provide temporary telecommunications service over a temporary radio link until permanent optical or copper plants are deployed. The radio interface unit and the digital interface unit may be removed and replaced with a fiber optic cross connect or a digital distribution point when the permanent optical or copper plants are deployed.

No new matter is added by these amendments. Support for these amendments may be found at paragraphs [0055] through [0058] and in particular paragraph [0057] of the application as filed.

These features provide unique advantages. These features permit telecommunications service providers to provide an infrastructure for telephone service quickly and efficiently. Additionally, in areas where cable is best suited to provide service, the service providers may provide a temporary medium for telephone service that can be deployed in a more timely manner that is re-usable and easily removed when permanent cable installations are available. Paragraph [0012].

Cooper fails to show, describe or even suggest these features of the presently claimed invention. Cooper instead relates to handling telecommunication signals in an element using first and second different protocols. Specifically, a wireless system communicates with a conventional PSTN. The wireless system must appear to the PSTN switch as though all of the wireless subscribers are connected with direct service, even though they may not be actually on a radio channel. Column 9, lines 8-13. To provide the necessary interface, Cooper provides an access concentrator 150 to provide concentration and deconcentration functions so that subscribers in the wireless local loops appear as conventional subscriber devices to a PSTN switch.

Thus, Cooper fails to appreciate or address the problem solved by amended claims 9 and 11. Moreover, Cooper fails to provide all the features of these claims as amended. For example, claim 9 recites an "office-side radio interface unit" of the system. The office action cites the access concentrator of Cooper as providing this function, even though Cooper's access concentrator 150 is described as being located at the site of the switch, at the other end of the radio connection (column 10, lines 25-31). Further, the connections of components of claim 9,

such as the digital signal cross-connect "coupled to the digital interface unit" are different from the recitation of claim 9. Moreover, the language appended to claims 9 and 11 adds a feature completely missing from Cooper.

Accordingly, reconsideration and allowance of the rejection of claims 9-14 is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

/John G. Rauch/  
John G. Rauch  
Registration No. 37,218  
Attorney for Applicants

July 1, 2008  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200